

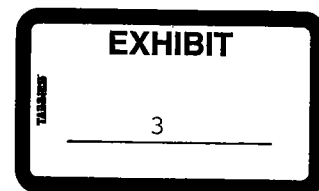
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CONSOLIDATION COAL COMPANY,)	
)	
Plaintiff,)	Civil Action No. 00-2120
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
THE INTERIOR, NATIONAL PARK)	
SERVICE,)	
)	
and)	
)	
CAROL D. SCHULL, individually and in)	
her capacity as the Keeper of the National)	
Register of Historic Places,)	
)	
and)	
)	
ROY BRENDDEL and DIANE BRENDDEL,)	
)	
Defendants.)	

TO: Roy Brendel
c/o David C. Hook, Esquire
Hook & Hook
189 West High Street
P. O. Box 792
Waynesburg, PA 15370

SUPPLEMENTAL NOTICE OF DEPOSITION OF DEFENDANT ROY BRENDDEL

As set forth in the Notice of Deposition of Defendant Roy Brendel previously issued in this action, Consolidation Coal Company will take the deposition of Roy Brendel at the offices of Thorp, Reed & Armstrong, LLP, One Oxford Centre, 301 Grant Street, 14th Floor, Pittsburgh, Pennsylvania 15219-1425 on Tuesday, January 17, 2006 beginning at 9:30 A.M. The deposition will continue from day-to-day until complete and be taken before a person duly authorized by law to administer oaths who will record the deposition stenographically. The

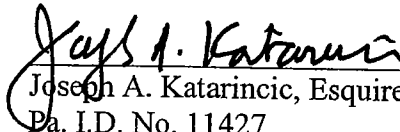


deposition will be taken for discovery purposes and for all other purposes permitted under the applicable *Federal Rules of Civil Procedure*.

In addition to the documents previously identified in Exhibit A to the Notice of Deposition of Defendant Roy Brendel, the deponent, Roy Brendel, is also directed to produce at his deposition all documents identified in **Supplemental Exhibit A** hereto.

Dated: January 5, 2006

Respectfully submitted:


Joseph A. Katarincic, Esquire
Pa. I.D. No. 11427
Lauren D. Rushak, Esquire
Pa. I.D. No. 83728
THORP REED & ARMSTRONG, LLP
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219
(Counsel for Plaintiff,
Consolidation Coal Company)

SUPPLEMENTAL EXHIBIT A

1. All documents, writings, correspondence and/or memos, authored by you or anyone on your behalf, including Mr. David Hook, to Mr. DeWeese, Sue Germanio, any newspapers, television or radio stations, anti-subsidence groups, anti-longwall mining groups, anti-coal mining groups, potential or actual real estate appraisers of your real property at issue, potential or actual repair appraisers of your property at issue, the Office of Surface Mining, the Pennsylvania Department of Environmental Protection, United States Department of the Interior—National Park Service, Keeper of the National Register of Historic Places, the Pennsylvania Historical and Museum Commission and/or the Pennsylvania State Historic Preservation Officer and all documents, correspondence, memos and other writings received by you or anyone else on your behalf, including Mr. David Hook, from the foregoing persons and entities.
2. Plans, agreements, correspondence, or other writings relating to the construction of new buildings on the land in question, including any addition(s) to the present structure(s).
3. Plans, agreements, correspondence, or other writings, including any estimates, concerning or relating to any repair or maintenance of real or personal property for which you claim damages in this case.
4. Notes, memos, records, or any other writings, as well as any tape recordings or other recordations, referencing or relating to meetings between you or your representatives with representatives of Consol.
5. Any correspondence from you or your representatives to or from tenants, past or present, concerning the Apple House.
6. Any correspondence, notes, memos or other writings relating to or showing repair estimates and appraisals of the structures in question before the claimed subsidence damage and after the claimed damage.
7. Any writings, including medical records, concerning or relating to treatment of injuries claimed by you to have been caused by any actions of any of the individuals or entities you seek recovery from in this action.
8. Any writings, including documents, medical reports, and office records, reflecting or relating to any physical or psychological disease, illness or injury for which you sought or received treatment for the ten years prior to 1999.
9. Any writings related to insurance policies issued on any structure on the subject property in the past seven years.

10. Any documents or other writings reflecting when and by whom the following buildings were constructed on the subject property: Apple House, chicken house, horse barn, pig pen, sheep shed, log house, storage shed and car barn; and, with respect to any renovation, changes or repair to any of said structures done by you or for you, reflecting when and by whom such renovation, changes or repair were done, as well as the nature and cost of such renovation, changes or repair.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
SUPPLEMENTAL NOTICE OF DEPOSITION OF ROY BRENDL was served by U.S.
First Class Mail, postage prepaid this 5 day of January, 2006, on the following counsel of
record:

Rebecca Ross Haywood
United States Attorney's Office
633 United States Post Office and Courthouse
Pittsburgh, PA 15219

Albert W. Schollaert
United States Attorney's Office
633 United States Post Office and Courthouse
Pittsburgh, PA 15219

Steven C. Barclay
United States Department of the Interior
Office of the Solicitor
Three Parkway Center, Suite 385
Pittsburgh, PA 15220

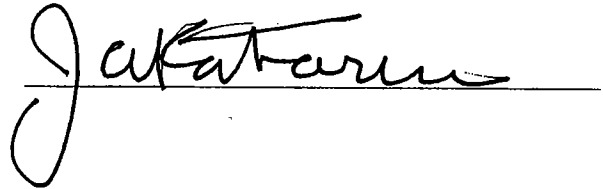
Ruth Ann Storey
United States Department of Justice
Environmental & Natural Resources Division
P. O. Box 663
General Litigation Section
Washington, DC 20044

Pamela L. Barkin
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

David C. Hook
Hook & Hook
189 West High Street
P. O. Box 792
Waynesburg, PA 15370
(Via Facsimile and U.S. Mail)

Thomas C. Reed
Dinsmore & Shohl
330 Grant Street
Suite 2415, Grant Building
Pittsburgh, PA 15219

Michael V. Nixon
P. O. Box 12539
Pittsburgh, PA 15241

A handwritten signature in black ink, appearing to read "J. Katarun", is written over a horizontal line.